



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No: 8226-98  
19 October 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered advisory opinions provided by the Assistant Head, Promotion Branch, Headquarters, U.S. Marine Corps (HQMC), dated 4 May 1999, and the Head, Separation and Retirement Branch, HQMC, dated 24 May 1999. A copy of each opinion is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103


IN REFERENCE TO:  
MMSR-6J  
24 May 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF FORMER [REDACTED]

Ref: (a) MMER Route Sheet of 28Apr99, Docket No. 8226-98

1. The reference requests an advisory opinion on former [REDACTED] petition to correct his records to show that he was discharged from the Marine Corps by reason of physical disability.
2. Former [REDACTED] was determined fit for separation when he was discharged on 15 July 1996. The Department of Veterans Affairs (DVA) is an agency separate from the Marine Corps and the Naval Medical Department. The DVA rating system for disabled veterans is based on criteria different from that of the Naval Medical System. Former [REDACTED] 20 percent disability rating by the DVA has no bearing on his discharge from the Marine Corps.
3. Former [REDACTED] was discharged under proper authority. We therefore must regretfully recommend that his petition not be granted favorable consideration with regard to his non-disability discharge.

  
J. P. RATHBUN, JR.  
Head, Separation and  
Retirement Branch  
By direction of the Commandant  
of the Marine Corps



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1400/3  
MMPR-2  
4 May 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]  
[REDACTED] FORMER MARINE

Ref: (a) CMC, ltr 1450/5 over MMPR2 of 9 Dec 98  
(b) MCO P1400.32B

1. [REDACTED] a former Marine has requested reinstatement to staff sergeant based on his remedial selection by the 1994 [REDACTED] Selection Board. Per reference (a), the Commandant of the Marine Corps (CMC) properly administratively deleted [REDACTED] from the 1994 [REDACTED] selection list due to his failure to maintain the high standards of personal and professional performance that led to his selection. Nothing in his official military service file has changed to warrant reconsidering the decision to remove his name from the selection list. Therefore, the decision to remove his name from the 1994 Staff Sergeant Selection List per reference (b) remains in effect.
2. [REDACTED] should not be promoted to [REDACTED] per references (a) and (b). Recommend his petition be denied.

*Richard B. Fitzwater*  
Richard. B. Fitzwater  
Assistant Head, Promotion Branch  
By direction of  
the Commandant of the Marine Corps